

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

K.C., *et al.*,

Plaintiffs,

v.

No. 1:23-cv-00595-JPH-KMB

THE INDIVIDUAL MEMBERS OF THE  
MEDICAL LICENSING BOARD OF  
INDIANA, in their official capacities, *et al.*,

Defendants.

**Declaration of Michelle (Mixhi) Marquis**

Comes now Michelle (Mixhi) Marquis, being duly sworn, and says that:

1. I am the co-founder, along with Dr. Catherine Bast, of Mosaic Health and Healing Arts, Inc. ("Mosaic") and I serve as its Executive Director.
2. I am filing this declaration on behalf of Mosaic.
3. I am an adult person.
4. Mosaic is located in Goshen, Indiana and opened in 2016.
5. Mosaic was founded to provide health and other services to the transgender and gender-nonconforming community in Michiana as well as all others in the community.
6. Mosaic provides the complete range of family-practice medical services, which include well visits, chronic disease management, acute care as needed, medical support

for mental wellness, sexually transmitted infection testing and treatment, HIV care and prevention, and other medical and mental health services.

7. In addition to providing this full spectrum of family medicine, Mosaic has developed into a center for gender-affirming care for adults and persons under the age of 18.

8. Mosaic staff also provide trainings in various areas designed to assist the LGBTQ community and those otherwise gender diverse. This includes supplying provider training as well as engaging in peer consultation with other providers.

9. At the current time Mosaic employs a physician, Dr. Catherine Bast, two licensed nurse practitioners, and a licensed mental health professional.

10. At the current time Mosaic has more than 1200 adult patients who are transgender and are receiving health services.

11. I have reviewed S.E.A. 480.

12. Mosaic provides its transgender patients diagnosed with gender dysphoria, including patients under the age of 18, with what S.E.A. 480 defines as “gender transition procedures.” This includes the provision of care that S.E.A. 480 defines as either “puberty blocking drugs” or “gender transition hormone therapy,” which I believe is more appropriately labeled “gender-affirming hormone therapy.”

13. Mosaic is an Indiana Medicaid provider and receives Medicaid reimbursement for Dr. Bast’s care for its minor patients, including reimbursement for patient visits,

including visits where puberty blockers and gender-affirming hormones are prescribed or administered. The puberty blockers and hormones are administered in our offices either through injection or implantation. The injections are done by Dr. Bast or the licensed nurse practitioners under Dr. Bast's supervision. Medicaid will pay for the visits of the transgender youth with the nurse practitioners including, but not limited to, visits where they administer injections. Medicaid will also pay for the puberty blockers and hormones themselves by directly paying the pharmacies that issue the medication. Medicaid will pay for the laboratory tests and costs that are required under the standard of care to monitor the efficacy and results of the medications that have been administered. The puberty blockers and hormones administered in our office through injection or implantation are all administered as part of and in the same setting as services furnished by or under the supervision of our physician.

14. I am aware that Indiana Medicaid only reimburses for services it deems medically necessary and Medicaid has consistently approved and provided reimbursement for the gender-affirming services that I describe above since Mosaic opened in 2016.

15. At the current time Mosaic provides puberty blockers and gender-affirming hormones to approximately 72 transgender persons under the age of 18, with 31 of those persons on Medicaid, and Mosaic receives Medicaid reimbursement for services provided to these youth. In total, Mosaic has approximately 92 patients under the age of 18 who have a diagnosis of gender dysphoria.

16. Mosaic has a constant stream of new patients under the age of 18 who are transgender, are suffering from gender dysphoria, and for whom puberty blockers or gender-affirming hormones will be prescribed. For instance, we have 3 appointments scheduled this week for persons under the age of 18 that are Medicaid recipients. These are new patients that are not included within the total number of patients in the paragraph immediately above.

17. The frequency with which we are accepting new minor transgender patients who ultimately receive puberty blockers and/or gender-affirming hormones is increasing.

18. Mosaic currently provides referrals for its patients to other physicians and clinics where they can receive care, including gender-affirming hormones and puberty blockers. Mosaic will do this, for instance, if there are other practitioners who are more conveniently located for the patients.

19. If S.E.A. 480 takes effect Mosaic will want to continue to be able to provide these referrals for its patients, including those patients receiving puberty blockers and gender-affirming hormones, to out-of-state practitioners so that they may continue to receive this medically necessary treatment.

20. If S.E.A. 480 takes effect Mosaic will want to cooperate when those out-of-state practitioners contact Mosaic staff to discuss former minor patients at their request and to provide their medical records to the out-of-state practitioners, as authorized by the patients, so that the patient can receive continuity of care.



21. I understand, however, that if S.E.A. 480 goes into effect, Mosaic's physicians and other licensed practitioners will not be able to make referrals for patients to receive puberty blockers or gender-affirming hormones and will not be able to respond to inquiries from other practitioners that concern their providing the former patients puberty blockers or gender affirming hormones, as all of that would be prohibited by S.E.A. 480's ban on "aiding" or "abetting" another physician or practitioner in providing gender transition procedures.

22. I am aware of many of the physicians and clinics in Indiana that provide gender-affirming care to minors that will be prohibited under SEA 480. I have gained this awareness because Mosaic will make patient referrals to these providers and receive referrals from them. I have also gained this awareness because of training that Mosaic has offered and provided to practitioners and clinics around the state. As Executive Director I am also frequently involved in informal networking and conferences with other providers. I am responsible for creating collaborations and partnerships with other medical and non-medical organizations. With the consideration of so many potential laws, including this one, in the General Assembly this year, I have frequently been touching base with other LGBTQ community leaders and allies who frequently focus on the availability of transgender care for youth under the age of 18.

23. Through informal contacts and networking, I am therefore aware of a number of other practitioners providing gender-affirming care to minors that will be prohibited by S.E.A. 480.

24. I am aware that there are approximately 12 physicians or practitioners at the Riley Gender Health Program who provide gender-affirming therapy that will be banned by S.E.A. 480 as it involves the provision of puberty blockers and hormones. I believe that there are 3 other physicians or practitioners providing this to-be-banned care at Eskenazi Hospital in Indianapolis. Mosaic has trained 3 other health-care providers who furnish gender-affirming care in Indiana that will be prohibited by S.E.A. 480. And I am aware that there are 12 other providers in Indiana that were trained by another doctor to serve transgender youth by, among other things, providing care that will not be permitted under S.E.A. 480. I am also aware of at least 8 other providers furnishing this care throughout Indiana. I am sure that there are others as well. I presume that all of these persons have contacts with transgender youth who are receiving gender-affirming care, or who are considering the receipt of this care. The above numbers include nurse practitioners, but do not include other nursing staff or licensed professionals (other than physicians) assisting in the providing of the care that will be prohibited by S.E.A. 480.

25. From discussions with doctors at the Riley Gender Health Program, I am aware that this program provides gender-affirming hormone care and puberty blockers to hundreds of minor patients at any one time.

26. Mosaic wishes to continue to provide the necessary medical care it is currently providing to transgender youth and to receive Medicaid reimbursement for services provided to its patients receiving Medicaid. It certainly does not wish to discriminate against its patients by denying this care.

**Verification**

I verify under penalty of perjury that the foregoing is true and correct.

Executed on: 4/20/2023

  
Michelle (Mixhi) Marquis

Prepared by:

Kenneth J. Falk  
ACLU of Indiana